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11 UPMANN SANCHEZ TURF AND LANDSCAPE

12 **UNITED STATES DISTRICT COURT**
DISTRICT OF NEVADA

14 UPMANN SANCHEZ TURF AND
15 LANDSCAPE, dba US Turf

16 Plaintiff,

17 v.

18 US TURF LLC, dba Serenity Landscaping

19 Defendant.

20 _____
21 US TURF LLC,

22 Counterclaimant,

23 v.

24 UPMANN SANCHEZ TURF AND
LANDSCAPE, INC.

25 Counter-Defendant.
26 _____

Case No. 2:21-cv-01749-JCM-DJA

JOINT DISCOVERY PLAN AND
SCHEDULING ORDER

Pursuant to FRCP 26(f), a telephonic conference was held on December 8, 2021 and was attended by Lisel Ferguson, Esq., of Procopio, Cory, Hargreaves & Savitch LLP, on behalf of Plaintiff Upmann Sanchez Turf and Landscape, DBA US Turf (“Plaintiff”) and Ryan Gile, Esq., of Gile Law Group Ltd, on behalf of Defendant US Turf LLC, dba Serenity Landscaping (“Defendant”). The parties hereby submit their proposed Discovery Plan and Scheduling Order in compliance with LR 26-1(b):

DISCOVERY PLAN

1. Initial Disclosures: The parties will serve their initial disclosures pursuant to FRCP 26(a)(1) on or before **December 22, 2021.**

2. Subjects of Discovery: The parties agree that the areas of discovery should include, but not be limited to: all claims and defenses allowed pursuant to the Federal Rules of Civil Procedure.

3. Discovery Cutoff Date: Discovery shall close on **May 2, 2022.**

4. Amending Pleadings and Adding Parties: The deadline to amend pleadings or add parties shall be 90 days before the discovery cutoff date, which is **February 1, 2022.**

5. FRCP 26(a)(2) Expert Disclosures: The deadlines for exchanging expert reports shall be as follows:

a. Expert disclosures shall be 60 days before the discovery cutoff date, which is **March 3, 2022.**

b. Rebuttal expert disclosures shall be 30 days after the initial expert disclosure, which is **April 4, 2022.¹**

6. Dispositive Motions: The parties shall file any dispositive motions no later than 30 days after the discovery cutoff date, which is **June 1, 2022.**

7. Pretrial Order: A joint pretrial order shall be filed by July 1, 2022, which is 30 days after the dispositive motion deadline. This deadline will be suspended if dispositive motions are timely filed until 30 days after the decision of the dispositive motions or until further order of the

¹ April 2, 2022 is a Saturday.

Court. The disclosure required by FRCP 26(a)(3), and objections thereto, shall be included in the pre-trial order.

8. Extension of Modifications of Discovery Plan and Scheduling Order: Extensions of the discovery deadlines will not be allowed without a showing of good cause for the extension. All motions or stipulations to extend discovery must be received by the court at least 21 days before the expiration of the subject deadline and must fully comply with L.R. 26-3.

9. Alternative Dispute Resolution: The parties have met and conferred about the possibility of using alternative dispute-resolution processes including mediation, arbitration, and if applicable, early neutral evaluation. The parties discussed having the Court conduct an early settlement conference and will reach out to the Court to request such conference if and when the parties agree to pursue such a conference as a possible way of settling the case.

10. Alternative Forms of Case Disposition: The parties certify that they have conferred regarding consent to trial by a magistrate judge under 28 U.S.C. § 636(c) and FRCP 73 and the use of the Short Trial Program (General Order 2013-01), however, were not agreeable to these options.

11. Electronic Service: The parties agree that discovery requests and production may be served electronically on counsel of record.

12. Electronic Evidence: A jury demand has been filed in this matter. The parties certify that they intend to present evidence in electronic format to jurors for the purposes of jury deliberations. The parties have stipulated to providing discovery in electronic format and intend to consult the courtroom administrator to coordinate as needed.

13. Preservation of Discoverable Evidence: The parties hereby agree to preserve for purposes of this litigation relevant evidence in accordance with the Federal Rules of Civil Procedure, including documents and other tangible things, if applicable. Failure to do so may be grounds for a spoliation instruction at trial following motion practice.

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14. **Stipulated Confidentiality & Protective Order:** The parties expect that there may be documents that are worthy of protection either as Attorneys' Eyes Only or Confidential and are in the process of negotiating a Proposed Stipulated Confidentiality Agreement and Protective Order.

Respectfully Submitted,

DATED: December 9, 2021

**PROCOPIO, CORY, HARGREAVES &
SAVITCH LLP**

By: /s/ **Jeffery A. Garofalo, Esq.**

Jeffery A. Garofalo
Lisel M. Ferguson
Attorneys for Plaintiff,
Upmann Sanchez Turf and Landscape

DATED: December 9, 2021

GILE LAW GROUP LTD.

By: /s/ **Ryan Gile, Esq.**

Ryan Gile
Attorney for Defendant,
US TURF, LLC

IT IS THEREFORE ORDERED that the joint discovery plan and scheduling order is GRANTED IN PART excluding the joint pretrial order deadline. That deadline should be July 1, 2022, which change is reflected in this Order.

DATED: December 10, 2021

IT IS SO ORDERED.

DANIEL J. ALBREGTS
UNITED STATES MAGISTRATE JUDGE